

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

vs.

02 Cr. 1174 (GAY)

JANE NORTON,

Defendant.

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MEMORANDUM DECISION AND ORDER

Defendant Jane Norton has moved for early termination of her term of probation. On June 2, 2004, the defendant pleaded guilty to a two count misdemeanor information charging her with violations of Title 18, U.S.C. § 1003. The Court sentenced the defendant to a two year term of probation, with 30 days home confinement, a \$5,000 fine, and a special assessment of \$50. No restitution was ordered as defendant had already made the payments owed to the Small Business Administration.

The Court recognizes that it has the discretion to issue an order terminating early the defendant's term of probation. See 18 U.S.C. § 3564(c). Defendant Norton seeks early termination of her probation in the interests of justice and, *inter alia*, so she can return as soon as possible to her medical career. The government opposes the motion. The Court has carefully considered the briefs submitted by the defendant and the government.

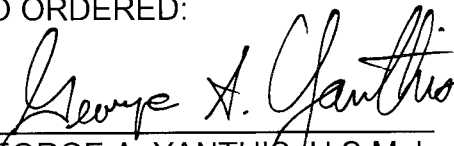
The Court concludes that there has not been any new or unforeseen circumstances that would warrant an early termination of probation. The sentence was fair and just

when imposed; and continues to be. As recognized by the defendant, the Court could have imposed a term of imprisonment or a much longer period of probation. See United States v. Gerritson, No. 01 Cr. 1081, 2004 WL 2754821 at *3 (S.D.N.Y. Dec. 1, 2004); States v. Perlmutter, No. 86 Cr. 0207, 1989 WL 97829 (S.D.N.Y. Aug. 17, 1989).

Accordingly, the motion for early termination of probation is denied.

SO ORDERED:

Dated: April 7, 2006
White Plains, New York



GEORGE A. YANTHIS, U.S.M.J.